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5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF WASHINGTON

7 UNITED STATES OF AMERICA,  
8 Plaintiff,

9 -vs-

10 WILLIE DEE WESSON,  
11 Defendant.

NO. CR-01-6001-WFN-1

ORDER

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13 Pending before the Court is Mr. Wesson's Motion Pursuant to 18 U.S.C. §3582(c)(2)  
14 Modification of an Imposed Term of Imprisonment Citing Amendment 706 (Ct. Rec. 88).  
15 Tracy Staab represents Mr. Wesson; Assistant United States Attorney Robert Ellis represents  
16 the Government.

17 Mr. Wesson requests a two point reduction in his offense level based on Amendment  
18 706. The Government contests reduction of Mr. Wesson's offense level because his offense  
19 level was based on the career offender Guidelines, not those based on quantity of crack  
20 cocaine. After reviewing the record, the Court finds that Amendment 706 does not apply to  
21 Mr. Wesson. The Court relied on the career offender provision of the Guidelines which set  
22 the base offense level for Mr. Wesson. The Court then departed based on Mr. Wesson's  
23 diminished capacity. While the Court did consider the severity of the crime, including the  
24 type of drug and the amount involved, the Court's sentence reflects Mr. Wesson's qualification  
25 as a career offender. The Court also considered the 18 U.S.C. §3553(a) factors, considering,  
26 among other things, Mr. Wesson's personal history and characteristics, the crime committed,

1 public safety and other §3553(a) factors. Amendment 706 does not warrant a reduction of  
2 sentence in this case.

3 The Court has reviewed the file and Motion and is fully informed. Accordingly,  
4 **IT IS ORDERED** that Defendant's Motion Pursuant to 18 U.S.C. §3582(c)(2)  
5 Modification of an Imposed Term of Imprisonment Citing Amendment 706 , filed March 10,  
6 2008 , **Ct. Rec. 88**, is **DENIED**.

7 The District Court Executive is directed to file this Order and provide copies to counsel  
8 **AND TO** United States Probation Officer Sean Carter.

9 **DATED** this 14th day of May, 2008.

10  
11 s/ Wm. Fremming Nielsen  
12 05-14 WM. FREMMING NIELSEN  
13 SENIOR UNITED STATES DISTRICT JUDGE  
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